

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – The Andhra Pradesh Ministerial Service Rules, 1998 –
Amendments - Orders - Issued.

GENERAL ADMINISTRATION (SER.B) DEPARTMENT

G.O.Ms.No. 32

Dated: 03.02.2014
Read the following:-

- 1.G.O. Ms. No. 261, G.A. (Ser.B) Dept., dated 14.7.1998.
- 2.G.O. Ms. No. 515, G.A. (Ser.B) Dept., dated 4.12.1999.
- 3.G.O. Ms. No. 286, G.A. (Ser.B) Dept., dated 22.06.2002.
- 4.G.O. Ms. No. 298, G.A. (Ser.B) Dept., dated 9.10.2003.
- 5.G.O. Ms. No. 365, G.A. (Ser.B) Dept., dated 17.08.2005.
- 6.G.O. Ms. No. 738, G.A. (Ser.B) Dept., dated 22.12.2008.
- 7.Orders of the Hon'ble APAT, dated:29.04.2010 in
O.A.No.860/2009.
- 8.Orders of the Hon'ble High Court, dated:26.04.2013 in WP
No.13051 & 18722/2010.
- 9.From the Secretary I/c, APPSC, Hyderabad, Letter
No.2230/RR/2/2013, dated 25.01.2014.

ORDER:-

As per Note(17) under rule 3 of the Andhra Pradesh Ministerial Service Rules, 1998 (prior to the amendments issued in G.O.Ms. No.365) in the cycles mentioned in Notes (5) and (14), in respect of the appointments to the categories of Junior Assistants, Assistant cum Typists, Junior Stenographers and Typists from the feeder category of Record Assistants and other equivalent categories, Attenders (Office Subordinates) and other categories in the Andhra Pradesh Last Grade Service, eligible persons from these categories shall be divided into three groups and the appointments as between the groups I, II and III shall be in the ratio of 1:2:7 respectively, in a unit of 10 vacancies.

2. Subsequently, orders were issued in G.O. Ms. No. 365, G.A. (Ser.B) Dept. dated 17.08.2005, amending Note (17) under rule 3 of the Andhra Pradesh Ministerial Service Rules as below:

“In the cycles mentioned in Notes (5) and (14) in respect of the appointments to the categories of Junior Assistants, Assistant-cum-Typists, Junior Stenographers and Typists/ L.D. Typists from the feeder category of Record Assistants and equivalent categories in Andhra Pradesh General Subordinate Service Rules and Attenders and other categories in Andhra Pradesh Last Grade Service Rules, the eligible person from the category of Record Assistant and equivalent categories in Andhra Pradesh General Subordinate Service Rules shall be considered first for appointment by transfer to the categories mentioned in note (5) and (14) and when suitable persons in the categories in Andhra Pradesh General Subordinate Service Rules are not available, the Attenders and other categories in Andhra Pradesh Last Grade Service Rules have to be appointed by transfer to the categories mentioned in note (5) and (14).”

3. Aggrieved by the above, the AP Class IV Association has represented to restore the provision existing prior to G.O.Ms. No. 365, G.A.(Ser.B) Deptt., dt.17.08.2005. Government after careful examination of the matter and having detailed discussion with various Associations, have issued orders in G.O.Ms No.738, GA(Ser.B)Deptt., dated: 22.12.2008 restoring the provisions existing prior to issuance of G.O.Ms. No. 365, G.A.(Ser.B)Deptt., dated 17.08.2005.

4. Aggrieved by the above, certain Record Assistants have approached the APAT and the Hon'ble Tribunal in its orders dated 29.04.2010 in O.A.No. 860/2009 & batch filed by Sri K.Krishna Murthy, Record Assistant and others, have set aside the G.O.Ms.No.738, G.A.(Ser.B) Department, dated 22.12.2008.

5. Subsequently, Government have filed W.P.No.18722/2010 against the orders of Hon'ble Tribunal Dt.29.4.2010 in O.A. No.860/2009. A.P. Class-IV Association has also filed WP No.13051/2010 against the said orders of Hon'ble APAT. The Hon'ble High Court in its orders, dated 26.4.2013 while dismissing the WP No.13051 & 18722/2010 have ordered as follows:

".....No doubt, the rules regulating the conditions of service are within the exclusive domain of the State under the proviso to Article 309, but even so, such rules have to be reasonable, fair and not grossly unjust, if they are to survive the test of Articles 14 and 16. Coming to the facts of the case, we are of the view that the impugned amendments made vide G.O.Ms.No.738, dated.22.12.2008, are not reasonable and are grossly unjust and they do not survive the test of Articles 14 and 16, as much as the senior most employees in A.P. Last Grade Service who are promoted to the post of Record Assistant, are unduly deprived of their chances for promotion to the further superior posts of Junior Assistants or its equivalent categories under A.P. Ministerial Service Rules, 1998.

For the aforesaid reasons, we are in agreement with the reasoned order passed by the Tribunal in O.A. No.860 of 2009. Both the writ petitions are accordingly dismissed, confirming the orders, dated:29.4.2010 passed by the Tribunal in OA No.860 of 2009. As there was an interim order during the pendency of these writ petitions and it is brought to our notice that certain promotions are already effected in terms of the impugned G.O. Ms. No. 738, dt: 22.12.2008, we declare that this order will not have any effect on the promotees who are promoted based on the orders issued vide G.O.Ms.No.738, dated 22.12.2008. It is further directed that henceforth, the vacancies in the category of Junior Assistant and other equivalent categories governed by the A.P. Ministerial Service Rules, 1998, shall be made without reference to the impugned amendments made vide G.O.Ms.No.738, dated: 22.12.2008, but the same shall be made by following the earlier amendments made to rule-3 vide G.O.Ms.No.365, dated:17.8.2005. No costs.

As a sequel, miscellaneous petitions if any, pending in these writ petitions, shall stand closed".

6. Government, after careful examination of the matter have decided to implement the orders of the Hon'ble High Court of A.P., dated 26.04.2013 in W.P. No. 13051 & 18722/2010 and to carry out certain amendments in the A.P. Ministerial Service Rules,1998.

7. Accordingly, the following notification will be published in the Andhra Pradesh Gazette, dated. 03.02.2014.

NOTIFICATION

In exercise of the powers conferred by the proviso to article 309 of the Constitution of India and all other powers hereunto enabling, the Governor of Andhra Pradesh hereby makes the following amendments to the Andhra Pradesh Ministerial Service Rules, 1998 issued in G.O.Ms.No.261, General Administration (Ser.B) Department, dated the 14th July, 1998 and published in the Andhra Pradesh Gazette Part.I, Extraordinary, dated the 29th October, 1998 and as subsequently amended from time to time:

AMENDMENTS

In the said rules,

(1) in rule 3, for the Note (17), the following shall be substituted, namely;-

“In the cycles mentioned in Notes (5) and (14) in respect of the appointments to the categories of Junior Assistants, Assistant-cum-Typists, Junior Stenographers and Typists/ L.D. Typists from the feeder category of Record Assistants and equivalent categories in Andhra Pradesh General Subordinate Service Rules and Office subordinates and other categories in Andhra Pradesh Last Grade Service Rules, the eligible person from the category of Record Assistant and equivalent categories in Andhra Pradesh General Subordinate Service Rules shall be considered first for appointment by transfer to the categories mentioned in note (5) and (14) and when suitable persons in the categories in Andhra Pradesh General Subordinate Service Rules are not available, the Office Subordinates and other categories in Andhra Pradesh Last Grade Service Rules have to be appointed by transfer to the categories mentioned in note (5) and (14).”

(2) In rule 6,

(i) in sub-rule (3), the second proviso shall be omitted;

(ii) in sub-rule (4), the second proviso shall be omitted.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.K.SINHA
PRL.SECRETARY TO GOVERNMENT(SER.&HRM)

To
The Commissioner of Printing, Stationery &
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The Law Department.
The Secretary, APPSC, Hyderabad.
All the Service Sections in G.A.D.
SF/SC.

//FORWARDED BY ORDER//

SECTION OFFICER